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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,258	04/26/2001	Jaime F. Guerrero	83000.1000C/PAC/P2868C	9917
25920	7590	11/03/2004		
MARTINE & PENILLA, LLP 710 LAKEWAY DRIVE SUITE 170 SUNNYVALE, CA 94085			EXAMINER TRAN. MYLINH T	
			ART UNIT 2179	PAPER NUMBER J
DATE MAILED: 11/03/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/844,258

Applicant(s)

GUERRERO, JAIME F.

Examiner

Mylinh T Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed 08/03/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

Applicant's Amendment filed 08/03/04 has been entered and carefully considered. Claim 13 has been amended. However, limitations of amended claim have not been found to be patentable over newly discovered prior art, therefore, claims 1-27 are rejected under the new ground of rejection as set forth below.

***Drawings***

Figures 1-3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

**DETAILED ACTION*****Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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Claims 1-4, 7-9, 13, 17-20, 23-24 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Wolfston, Jr. [US. 5,815,155].

As to claims 1, 13, 17 and 23, Wolfston, Jr. discloses creating a first display area said first display area displaying a first node of said hierarchy (figure 2a, Equinet image, top level); creating a second display area (figure 2a, 106, lower level); performing the following when one of said plurality of child nodes in said second, display area is selected: updating said first display area to include said one of said plurality of child nodes (figure 2b, 110, column 4, lines 18-55); and updating said second display area to display a plurality of nodes in place of said plurality of child nodes, said plurality of nodes being the child nodes of said selected child node (figure 2b, 134, column 4, lines 18-55).

As to claims 2, 18 and 24, Wolfston, Jr. also discloses said hierarchy comprising a file system (figures 2a-2b).

As to claims 3, 19 and 27, Wolfston, Jr. shows performing the following when said first node is selected in the first display area: removing said one of said child nodes from said first display area and updating said second display area to display said plurality of child nodes (figure 2a).

As to claims 4 and 20, Wolfston shows the step of placing the cursor over said one of said child nodes in said second display area (column 7, lines 60-65).

As to claims 7 and 8, Wolfston also teaches the step of placing a marquee over said one of said child nodes of said selected child node and said step of

displaying a marquee over said one of said child nodes in said second display (highlighting, column 7, lines 60-65).

As to claims 9, Wolfston provides the step of moving said marquee one entry in said second display area in response to arrow key input and provides the step of selecting said one of said child nodes in response to right arrow key input (column 8, lines 30-38).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-6, 10-12, 14-16, 21-22 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolfston, Jr. [US. 5,815,155].

As to claim 5, 21 and 26, Wolfston discloses the first and second display containing nodes in a hierarchical tree. However, Wolfston fails to teach the feature of removing the second display area if the child node is a leaf node.

Although Wolfston disclose of the first and second display containing nodes in a hierarchical tree, they do not explicitly mention the removing the second display area if the child node is a leaf node. It is well known in the state of the art that the leaf node of the present invention is implemented in the hierarchical tree of Wolfston. **The Examiner takes OFFICAL NOTICE.** It would have been obvious to one of ordinary skill in the art, having the teachings of Wolfston before him,

the node (image) of Wolfston to be the leaf node to remove the second display area if the child node is a leaf node in order save space in the memory, as made known in the state of the art.

As to claims 6, 14 and 22, Wolfston teaches the multiple levels of nodes in the hierarchical tree; however, it does not teach a size of said first display area being independent of a size of said second display area. Although Wolfston discloses of the multiple levels of nodes, they do not explicitly mention the size of said first display area being independent of a size of said second display area. It is well known in the state of the art that the size of first and second displays is independent each other. **The Examiner takes OFFICIAL NOTICE.** It would have been obvious to one of ordinary skill in the art, having the teachings of Wolfston before him, that the size of first and second displays is independent each other in order to give the users the flexibility when navigating the node levels in the hierarchical tree, as made known in the state of the art.

As to claims 10 and 11, Wolfston teaches "the clickable actuators could be selected by means other than clicking a mouse button such as depressing the enter key"; however, it does not teach the step of selecting said one of said child nodes in response to right arrow key input and character input. Although Wolfston discloses of the step of selecting by depressing the enter key, they do not explicitly mention the step of selecting said one of said child nodes in response to right arrow key input and character input. It is well known in the state of the art that the enter key of Wolfston is implemented in the right arrow

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key input and character input. **The Examiner takes OFFICIAL NOTICE.** It would have been obvious to one of ordinary skill in the art, having the teachings of Wolfston (enter key) in order to give the users more choices to input into the system from the keyboard, as made known in the state of the art.

As to claims 12, 15-16 and 25, Wolfston fails to teach the performing the following when there is unused display space in said first display area: resizing said first display area to eliminate said unused display space; expanding said second display area to include said unused display space and scrolling mechanism being activated when said first display area reaches said maximum size. However, Official Notice is taken that implementations removing the second display area if the child node is a leaf node are well known in the art. In light of the rejection set forth above, it would have been obvious to one of skill in the art, at the time the invention was made, to combine the well known implementations of resizing said first display area to eliminate said unused display space; expanding said second display area to include said unused display space and scrolling mechanism being activated when said first display area reaches said maximum size. Motivation of the combine is to save space in the memory.

### **Response to Arguments**

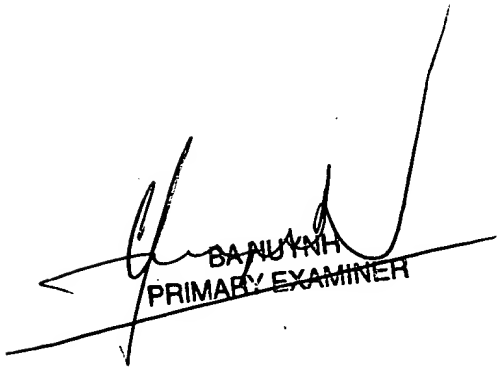
Applicant's arguments with respect to claims 1-27 have not been considered but are moot in view of the new ground of rejection.

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### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran whose telephone number is (571) 272-4141. The examiner can normally be reached on Monday-Thursday from 8.00AM to 6.30PM

If attempt to reach the examiner by telephone are unsuccessful, the examiner 's supervisor, Heather Herndon, can be reached on (571) 272-4136.

  
BA NUYNNH  
PRIMARY EXAMINER